

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

WALTER T. GAUSE,)	
)	
Plaintiff,)	
)	
v.)	
)	1:23-cv-350
GREGORY GEOFF, FNU - SHAW,)	
MS. MORRISON, SMITH,)	
COVINGTON, CAPT. JAKIM)	
STEEL-ROBINSON, REGINA)	
HAMPTON, and MR. LEACH,)	
)	
Defendants.)	

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on October 30, 2023, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 7.) The Recommendation was served on the Plaintiff on October 30, 2023. (Doc. 8.) Plaintiff filed "Objection to the Order, Recommendation Magistrate finding." (Doc. 4.)

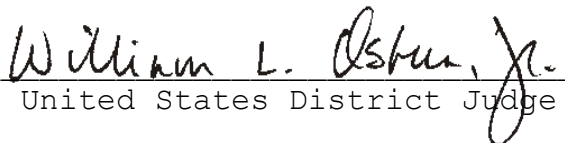
This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions."

This court has appropriately reviewed the Recommendation and Plaintiff's objection and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation. Plaintiff's objections are without merit, as the dismissal is without prejudice to Plaintiff filing his action on the proper forms.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 7), is **ADOPTED. IT IS FURTHER ORDERED** that this action be filed, and is hereby, **DISMISSED WITHOUT PEJUDICE** to Plaintiff filing a new action on the proper § 1983 forms, which corrects the defects cited in the Recommendation.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 21st day of November, 2023.


United States District Judge